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MAILED
APR 21 2010
OFFICE OF PETITIONS

In re Patent No. 7,426,303 : DECISION ON REQUEST
Nozu : FOR
Issued: September 16, 2008 : RECONSIDERATION OF
Application No. 10/632,923 : PATENT TERM ADJUSTMENT
Filed: August 4, 2003 : AND
Atty Docket No. 040447-0251 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the renewed petition filed on September 4, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred ninety-three (993) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred ninety-three (993) day is **GRANTED to the extent indicated herein.**


As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on August 5, 2006 and ends on September 20, 2007, the day before the RCE was filed, and is 412 (not 413) days. See 35 U.S.C. 154(b)(1)(B)(i). Taking the 96 day overlap into consideration, the patent term adjustment is 992, not 993 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

The \$200.00 fee, submitted on November 17, 2008, is required pursuant to 37 CFR 1.18(e) and will not be refunded.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred ninety-two (992) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,426,303 B2

DATED : September 16, 2008

DRAFT

INVENTOR(S) : Takashi Nozu

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by (676) days

Delete the phrase "by 676 days" and insert – by 992 days--